

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

EVERETT HADIX, *et al.*,

Plaintiffs,

v.

PERRY M. JOHNSON, *et al.*,

Defendants.

Case No. 4:92-CV-110

Hon. Richard Alan Enslen

ORDER

Defendants, through counsel, have moved for reconsideration of this Court's September 14, 2005 Findings of Fact and Conclusions of Law and Injunction Concerning Fire Safety. Plaintiffs have timely opposed the Motion. Upon review of the briefing, oral argument is unnecessary.

Pursuant to Western District of Michigan Local Civil Rule 7.4(a), reconsideration is appropriate only if the movant "demonstrate[s] a palpable defect by which the Court and the parties have been misled . . . [and] that a different disposition must result from the correction thereof." Defendants' Motion fails this standard and those applicable under Federal Rules of Civil Procedure 59 and 60. Defendants wrongly assume that "[t]he Court's 2005 Findings [are] premised on . . . Section 15.3.1.3 of the Life Safety Code." (Defs.' Br. at 2.) This assumption is contradicted by ¶¶ 396, 430 and 431 of the Findings and by this Court's intent to follow the remand directions of the Sixth Circuit by focusing on the actual fire safety conditions. Defendants' positions are likewise mistaken for the other reasons argued by Plaintiffs. (*See* Pls.' Br. at 2-6.)

THEREFORE, IT IS HEREBY ORDERED that Defendants' Motion for Reconsideration (Dkt. No. 1902) is **DENIED**.

DATED in Kalamazoo, MI:
October 13, 2005

/s/ Richard Alan Enslen
RICHARD ALAN ENSLEN
SENIOR UNITED STATES DISTRICT JUDGE